



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,747	01/24/2001	Donald J. Kadyk	13768.141	3863

22913 7590 09/02/2003

WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER &  
SEELEY)  
60 EAST SOUTH TEMPLE  
1000 EAGLE GATE TOWER  
SALT LAKE CITY, UT 84111

[REDACTED] EXAMINER

TO, BAOQUOC N

ART UNIT	PAPER NUMBER
----------	--------------

2172

DATE MAILED: 09/02/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/768,747	DONALD J. KADYK
	Examiner Baoquoc N To	Art Unit 2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10, 12 and 14-39 is/are pending in the application.  
4a) Of the above claim(s) 11 and 13 is/are withdrawn from consideration. cancelled.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10, 12 and 14-39 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

**DETAILED ACTION**

1. Claims 11 and 13 are cancelled and claims 1-2, 6-9, 12, 14, 16-19, 26, 33-34, 36 and 38 have been amended, claims 11 and 13 have been cancelled, and new claim 39 has been added.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Urban et al. (US. Patent No. 6,587,441).

Regarding on claim 1, teaches in an environment that includes a message storing first message data and second message client storing second message data, a method for enabling synchronization of the second message data with the first message data, while accounting for one or more update notifications that either may or may not

have been received by the second device and while accounting for any differences in how the first device and second device store data, the method comprising:

An act of making a change in the first message in the first message data, wherein the change is divided into a first portion (initial packet) and a second portion (retransmission packet) (col. 10, lines 30-40);

An act of sending a first notification to the message client, the first notification including both the first portion of the change (based message contained therein as data) and a first token (header) identifying the first portion of the change (col. 7, lines 54-59);

Upon receiving the first token (receive acknowledgement) (col. 10, lines 24-30), sending a second notification to the message client (retransmission after the initial packet fails), the second notification including both the second portion of the change (based message contains data) and a second token identifying the second portion of the change (header token) (col. 10, lines 30-40); and

Urban does not explicitly teach upon failing to receive the first token from the message client, resending the first notification along with the second notification to the message client. Urban teaches, "the process of a Single Packet successful retransmission after an initial packet loss, or transmission failure. The sender sends 97 a single Packet. The sender then starts a Transaction Timer 99 and a separate Retransmission Timer 101 as soon as the Single Packet is sent. In this drawing the transmission fails 103. Because the receiver mode does not send an Acknowledgment Packet by the time the Retransmission Timer 103 is expires, the sender module resends 105 the Single Packet, with the same sequence number, and restarts the

Retransmission" (col. 10, lines 30-40). This teaches the first transaction is failed or aborted, the system is retransmitted the packets. Therefore, it would have been obvious to one ordinary skill the art at the time of the invention was made to include the system mechanism for retransmission process when the first transmission if it's aborted or failed to guarantee the data to be received.

Regarding on claim 2, Urban teaches the act of resending the change to the message client includes of the act of resending the token to the message client (col. 10, lines 30-40).

Regarding on claim 3, Urban teaches the act of sending a notification is performed over an unreliable communication channel (col. 7, lines 16-20).

Regarding on claim 4, Urban teaches the unreliable communication channel comprises a wireless communication channel (col. 7, lines 16-20).

Regarding on claim 5, Urban teaches the acts of receiving a synchronization request and resending the change are performed over a reliable communication channel (col. 10, lines 30-40).

Regarding on claim 6, Urban teaches the token is unique to the server (col. 9, lines 41-45).

Regarding on claim 7, Urban teaches act of compressing the token, wherein the compressed token is unique to the second message device (col. 9, lines 41-45).

Regarding on claim 8, Urban teaches the sever data include at least one of contact data, calendar data, task data, and email data (message data) (col. 6, lines 39-45).

Regarding on claim 9, Urban teaches the server comprises a message server and the client comprises a message client (col. 6, lines 55-60).

Regarding on claim 10, Urban teaches the message client comprises one of a portable personal computer, a cellular telephone, a pager, and a personal digital assistant (col. 2, lines 12-23).

***Allowable Subject Matter***

4. Claims 12 and 14-39 are allowed over the prior art of records.

The following is an examiner's statement of reasons for allowance: Prior art such La Rue teaches the system for schedule synchronization and acknowledgement upon the receiving, and resending the whole synchronization packet if the error occurs or the data is lost or do not receive in the synchronization process. Le Rue's system resends the packet without determining the missing parts or changes that do not receive and resend only the missing changes.

The newly cited reference (Urban et al. 6,587,441) is also using the token to send the message and changes and also having the mechanism to resend or retransmission when the initial packed loss, or transmission failure (col. 10, lines 30-35). Urban does not interprets the tokens that are not receive back from one or more clients as indications that one or more changes are missing and sending the list of missing tokens and resending the missing tokens and corresponding changes to one more requesting clients.

None of the prior art teaches or suggests the an act of receiving a plurality of token back from the one or more clients; an act of interpreting one or more tokens that were sent to the one or more clients but have not received back from the one or more clients as indications that one or more changes are missing from the one or more clients; and an act of sending the list of one more missing tokens to the one or more clients missing he one or more changes, the list identifying one or more tokens that

were sent to the one or more clients but were not received back; receiving a request from the one or more clients to resend the one or more missing tokens and corresponding changes; and an act of resending the one or more missing tokens and corresponding the changes to one or more requesting client.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is (703) 305-1949 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached at (703) 305-4393.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

- (703) 746-7238 [After Final Communication}]

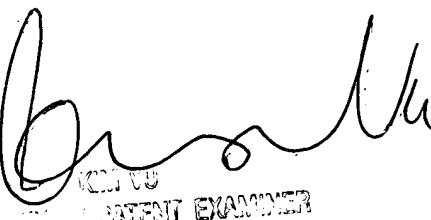
- (703) 746-7239 [Official Communication]
- (703) 746-7240 [Non-Official Communication]

Hand-delivered responses should be brought to:

Crystal Park II  
2121 Crystal Drive  
Arlington, VA 22202  
Fourth Floor (Receptionist).

Baoquoc N. To

August 20, 2003



KON TO  
PATENT EXAMINER  
ART UNIT 2172